



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

MAR 28 2000

Ms. Jean M. Soltys
Environmental Manager
Safety-Kleen Chemical Services, Inc.
221 Sutton Street
North Andover, MA 01845

Ref. No: 99-0314

Dear Ms. Soltys:

This is in response to your letter of November 12, 1999, requesting clarification of the notification requirements of § 178.2 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You ask whether your company may retain copies of written notification in electronic format. In addition you ask whether your company is required to provide notification in a situation where you provide a packaging to a customer but your company actually closes the packaging for your customer.

You may retain written notification in electronic format provided you are able to make such notification available for inspection by a representative of the Department. The written notification must identify all the requirements of Part 178 that have not been met at time of transfer, and any closure information necessary to properly close the packaging. Therefore, if your company provides a packaging to a customer and your company's employee takes responsibility for closing the packaging, there are no notification requirements necessary. However, your company must have a copy of the closure instructions and your employee must be trained in the proper closure requirements.

I hope this information is helpful.

Sincerely,

Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards



990314



Mr. Edward Mazzullo
Director, Office of Hazardous Material Standards
USDOT/RSPA (DMM10)
400 7th Street SW
Washington, DC 20590-0001

Dear Mr. Mazzullo:

This letter is written to request guidance from DOT in regards to compliance with 49 CFR 178.2(c).

As a distributor of chemical products and containers, Safety-Kleen Chemical Services [SKCS] recognizes the requirement to provide our customer with information about closure for containers that we sell. When retaining copies of the written notification, would it be acceptable to DOT to retain an electronic copy of a standard cover letter as well as an electronic date in the database which records when the information was provided?

Secondly, there are certain situations when we provide a container to a customer, but sell a service to actually package the hazardous material for the customer into a labpack. We do sell the container to the client, but fill it and close it for the client. In this case, do we still have to provide the closure information?

I would appreciate a written response to these questions at your earliest convenience.

Thank you for your help.

Sincerely,

Jean M. Soltys
Environmental Manager

SAFETY-KLEEN CHEMICAL SERVICES, INC.

221 SUTTON STREET

NORTH ANDOVER, MASSACHUSETTS 01845

PHONE 978/683-1002

FAX 978/887-3036

